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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,768	06/06/2006	Mari C. Milosic	19365-105673	1675

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EXAMINER

LARKIN, DANIEL SEAN

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2856

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,768	Applicant(s) MILOSIC ET AL.	
	Examiner DANIEL S. LARKIN	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☐ Claim(s) 3-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06 June 2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to because of the following:

Figures 1-9: Numbers, letters, and reference characters must be at least .32 cm (1/8 inch) in height. 37 C.F.R. 1.84(p)(3)

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Reference numeral "54" does not appear within the drawing figures as suggested on page 5, paragraph [0023], line 6.

Reference numeral "64" does not appear within the drawing figures as suggested on page 6, paragraph [0026], line 5.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings

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for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

Page 6, paragraph [0024], line 2: The term -- contour -- should be inserted prior to the term "transition".

Page 6, paragraph [0026], line 5: Should reference numeral "64" be corrected to read -- 15 --?

Page 8, paragraph [0030], line 2: Reference numeral "184" should be corrected to read -- 186 --.

Page 8, paragraph [0030], lines 3 and 6: Reference numeral "84" should be corrected to read -- 86 --.

Page 8, paragraph [0030], line 7: Reference numeral "284" should be corrected to read -- 286 --.

Page 9, paragraph [0032], line 6: Numeral "30" should be corrected to read -- thirty -- in order to avoid confusion with other two digit reference numerals.

Page 9, paragraph [0032], line 5: Reference numeral "247" should be corrected to read -- 274 --.

Page 9, paragraph [0033], line 6: Numeral "30" should be corrected to read -- thirty -- in order to avoid confusion with other two digit reference numerals.

Page 10, paragraph [0033], line 7: Reference numerals "104" and "106" should be corrected to read -- 204 -- and -- 206 --, respectively. Appropriate correction is required.

Claim Objections

Claims 8-10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Re claim 8, claim line 4: The term -- circle -- should be inserted after the term "reference".

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

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was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to provide an enabling description for enabling one of ordinary skill in the art to shaping a seat back as recited in claim 11. The specification, paragraph [0030], discloses the method, as the method pertains to Figure 8, of defining the overall seat back contour using at least one mathematical shaping formula, lines 4-5 and 8-9; however, details of the shaping formula are not provided; thus it is not clear how one can accurately define the seat back contour without knowing the shaping formula. It is not clear from the specification if the shaping formula has been determined by the Applicant or if the formula is well known in the art.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Re claim 3, claim lines 1 and 2: Is this "lumber shape reference circle" the same reference circle previously recited in claim 1, claim line 6? Applicant should consider use of the term -- the -- or -- said -- if the reference circles are the same.

Re claim 11, claims lines 4-16: The preamble recites a method for shaping a seat back of a seat assembly. The body of the claim recites a plurality of steps defining

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a plurality of reference points, circles, centerlines, and contour lines; however, no final step appears in the claim whereby the plurality of steps are gathered into the shaping of a seat back. The steps appear to simply provide a plurality of reference points and contour lines without any tangible shaping of a seat back.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Prior art was not relied upon to reject claims 1-51 because the prior art fails to teach and/or make obvious the following:

Claims 1-10: Providing a method of designing a centerline for a seat back of a seat assembly, comprising: shaping a centerline for the seat back incorporating forward and rearward lumbar prominence lines and a lumbar shape reference circle in combination with all of the remaining limitations of the claim.

Claims 11-51: Providing a method of shaping a seat back of a seat assembly, comprising: defining outer apex contour lines for shaping portions of the seat back face spaced from the central portion and having contour profiles equal to an apex centerline contour profile; and positioning outer apex contour lines on either side of the apex centerline parallel thereto and intersecting an apex circle equidistantly from the apex centerline in combination with all of the remaining limitations of the claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art disclose a template for designing a seat for a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. LARKIN whose telephone number is (571)272-2198. The examiner can normally be reached on 8:30 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Daniel S. Larkin/
Primary Examiner, Art Unit 2856